REMARKS

This Reply is in response to the Final Office Action dated March 18, 2005. In the Office Action, claims 1, 3-8, 10-12, 14-20 and 22-28 remain pending in this application. Claim 28 was objected to, and claims 23 and 24 were rejected under 35 U.S.C. § 112. In response, claims 23, 24 and 28 have been amended. The title was objected, and in response was amended. No new material has been added by any of these amendments. Claims 1, 3-8, 10-12, 14-20 and 22-28 have been rejected for alleged anticipation and/or obviousness rejections. Applicant respectfully disagrees with such and traverses same.

In the Office Action, claim 28 was objected to because of informalities. In response, Applicant has amended claim 28 to properly depend from claim 25. Applicant submits that the objection has been overcome, and thus, it be withdrawn.

In the Office Action, the title of the invention was allegedly deemed to be non-descriptive. While Applicant respectfully disagrees, in the spirit of cooperation and to further the prosecution of this application, Applicant has amended according to the Patent Office's suggestion, "INFORMATION PROVIDING SYSTEM UTILIZING IC CARDS AND METHOD THEREOF." Applicant submits that the title is properly descriptive of the claimed invention and that the rejection be withdrawn.

In the Office Action, claims 23 and 24 were rejected under 35 U.S.C. § 112, second paragraph. In response, Applicant has amended claims 23 and 24 to properly depend from claim 20. Applicant submits that the rejection has been overcome, and thus, it be withdrawn.

In the Office Action claims 14, 15 and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Davis et at. U.S. Patent No. 6,282,522 ("Davis"). Applicant respectfully disagrees with such and traverses same. Favorable reconsideration is respectfully requested.

At a minimum, Davis does not disclose transmitting and verifying terminal identification information. In fact, the Patent Office admits same. See, Office Action, page 10, paragraph 26. Clearly, therefore, Davis cannot anticipate the claimed invention for at least this reason.

Accordingly, Applicant respectfully requests that the anticipation rejection be withdrawn.

Claims 1, 3-8, 10-12 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Walker et al. U.S. Patent No. 5,828,751 ("Walker"). Applicant believes that this rejection is improper.

At the outset, the primary Davis reference is deficient with respect to transmitting and verifying identification information as even admitted by the Patent Office as discussed above. Further, Davis fails to suggest this feature to the extent that it effectively teaches away from same.

Davis teaches that after a cardholder approves a purchase, the transaction amount is captured by the security card or the merchant server for subsequent batch settlement through a clearing and administration system to the issuer and acquirer. See, Davis, column 7, lines 6-17. Also, by delivering an expected stored-value card signature to the payment server, the security card is relieved from having to compare the signatures itself, and may release sooner and move on to a new transaction. The payment server may also deliver the expected stored-value card signature to the client terminal or merchant server for comparison, thus reducing to one round trip the message traffic between the payment server and the client terminal. See, Davis, column 8, lines 56-63. Clearly, Davis teaches away from an internet payment system that verifies and certifies the signature that provides verification of the transaction.

Further, Walker cannot be relied on solely to remedy the deficiencies of Davis. At the outset, Applicant questions the alleged combinability of Walker and Davis. Walker is directed to a method and apparatus for secure measurement certification. See, Walker, column 3, lines 53-55. Clearly, Walker teaches away from Davis, where Davis teaches that such verification and certification are not performed. Thus, at a minimum, Davis and Walker each teach away from the other and thus for at least this reason the combinability of Walker and Davis should be rendered improper.

Moreover, Walker teaches against the combinability of the art as the measurement certification device in Walker takes a physical measurement using sensor **8**, of any physical parameter or event--e.g., location information, temperature, humidity, light levels, noise levels, precipitation, pressure, momentum, odor, air pollution, car exhaust, water purity, weight, orientation, acidity, proximity, opacity, radioactivity, viscosity, chemical content--whose value and/or time of measurement is to be provided to a recipient for later verification. This measurement is added to a time from clock **20**, creating an augmented measurement comprising the cleartext time plus the physical measurement. Cryptoprocessor **10** then creates a certified measurement comprising the (cleartext) augmented measurement and a (ciphertext) one-way

function representative of at least a portion of the augmented measurement, and outputs the certified measurement at output device **100**. See, Walker, column 7, line 54 through column 8, line 6. Indeed, the client terminal or merchant server in Davis has no need for such measurement features.

Based on at least these reasons, Applicant believes that the Patent Office has failed to meet its *prima facie* burden. Again, Davis teaches against the claimed invention and, further, Davis and Walker teach against their combinability as discussed above. Clearly, this suggests that the Patent Office has improperly relied on hindsight reasoning in support of the obviousness rejections. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 1, 3-8, 10-12 and 16 be withdrawn.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Nerlikar U.S. Patent No. 5,629,981 ("Nerlikar"). Applicant believes that this rejection is improper and traverses same.

Again, Davis effectively teaches away from the claimed invention and further teaches against the combinability of the cited art as discussed above. Based on at least this reason, the obviousness rejection in view of Davis and Nerlikar should be withdrawn, where again the Patent Office has improperly relied on hindsight reasoning in support of same. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claim 17 be withdrawn.

Claims 19, 20 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Claus U.S. Patent No. 5,461,271 ("Claus"). Applicant believes that this rejection is improper.

For at least the reasons stated above, Davis fails to teach or disclose the present invention. Further, Applicant respectfully submits that while the Patent Office alleges that the combination of Davis and Claus make claims 19, 20 and 24 allegedly obvious. Applicant fails to see how the combination of Davis and Claus make the present claims obvious. For example, the Patent Office submits that Claus, column 2, lines 44-57 in combination with Davis, allegedly make the present claims obvious. See, Office Action, page 14, paragraph 39. However, Claus only teaches that smart cards are provided to a plurality of users. Accordingly, Applicant fails to see at least where Claus teaches "a first card holding device capable of holding data containing

personal information identifying at least users" and "a second data holding device capable of holding data containing information identifying providers which provide at least products or services." See, Office Action, page 14, paragraph 39(a) through page 15, paragraph 39(b).

In addition, Applicant respectfully submits that it is improper to combine Davis and Claus because Davis teaches away from the combination. As discussed above, Davis teaches that after a cardholder approves a purchase, the transaction amount is captured by the security card or the merchant server for subsequent batch settlement through a clearing and administration system to the issuer and acquirer. See, Davis, column 7, lines 6-17. Also, by delivering an expected stored-value card signature to the payment server, the security card is relieved from having to compare the signatures itself, and may release sooner and move on to a new transaction. The payment server may also deliver the expected stored-value card signature to the client terminal or merchant server for comparison, thus reducing to one round trip the message traffic between the payment server and the client terminal. See, Davis, column 8, lines 56-63.

Processor cards also provide increased data security, an anti-fraud capability, flexibility in applications, a multi-purpose capability, and off-line validation. Because high telecommunication costs and/or low reliability of a network may make on-line authorization impractical, a stored-value card with the capability for performing off-line processing and authentication by itself is extremely valuable. See, Davis, column 9, lines 7-14.

In contrast, Claus teaches a first input of a security key comparison device and a second input of the security key comparison device. The security key comparison device is equipped to compare the first input with the second input, and to generate a signal at a comparison device output, such that the generated signal is based upon the results of the comparison. If the first and second inputs are identical, the security key comparison device generates a match signal at the comparison device output. If the first and second inputs are not identical, the security key comparison device generates a no-match signal at the comparison device output.

The comparison device output is coupled to an electronic security lock. The security lock may be placed into any one of two mutually-exclusive states. In a first, locked state, the security lock disables the smart card from transferring money to another smart card. In a second, unlocked state, the security lock permits money to be transferred to another smart card. The

security lock is coupled to the output of comparison device respectively. When the comparison device produces the match signal, the security lock is placed into the second, unlocked state. The security lock is placed into the first, locked state upon receipt of a no-match signal from the comparison device. Clearly, Davis teaches away from such as Davis discloses that after the card holder approves the transaction, the value is captured by the security card or the merchant server for subsequent batch settlement through a clearing and administration system. Therefore, it is not proper to combine Davis and Claus, as Davis teaches away from Claus.

Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 19, 20 and 24 be withdrawn.

Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Claus, and further in view of Nerkilar. Applicant believes that this rejection is improper and further the combination of Davis, Claus and Nerkilar is improper and distinguishable from the claimed invention as defined by claims 22 and 23.

Applicant respectfully submits that the patentability of claim 20 above renders moot the obviousness rejection of claims 22 and 23. In this regard, the cited art fails to teach or suggest the elements of claims 22 and 23 in combination with the novel elements of claim 20.

Based on at least these reasons, alone or in combination, Davis, Claus and/or Nerkilar fail to disclose or suggest the claimed invention and thus fail to render the claimed invention obvious. Moreover, Applicant questions whether the cited art can be combined in the first place as discussed above.

Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 22 and 23 be withdrawn.

Claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Claus in view of Walker. Applicant believes that this rejection is improper.

At the outset, Claus clearly fails to teach the claimed invention, and as even admitted by the Patent Office. See, Office Action, page 17, para. 45. Moreover, it is improper to combine Walker with Claus, as Walker teaches a method and apparatus for secure measurement certification as previously discussed.

Walker teaches a one-way function that outputs a unique representation of an input such that a given output is likely only to have come from its corresponding input, and such that the

input can not be readily deduced from the output. The term one-way function includes hashes, message authenticity codes (MACs--keyed one-way functions), cyclic redundancy checks (CRCs), and other techniques. See, Walker, column 8, line 7-14. Clearly, Walker teaches that the one-way function provides a method for acquiring and certifying a physical measurement, in a manner that the physical measurement and its time of acquisition can be verified at a later time. See, Walker, column 1, lines 6-11; column 3, line 53 through column 4, line 15. Clearly, this teaches away from the present invention, and further, the combination of Walker and Claus, fail to teach or suggest the present invention. At best, Walker teaches that the method allows a recipient to verify a measurement at a later time. Thus, Walker teaches that the measurement certification device transmits measurement information and information that allows a recipient at a later time to verify the physical measurement, its time of acquisition and the location where the physical measurement was taken.

While in contrast, the claimed invention is directed to a program for a computer that includes in part, receiving data if a shop data holding device transmitted from a communication terminal device, performing collations thereof, and upon obtaining positive collation results transmitting a transaction processing continuation signal to the communication device. Further, upon the program receiving data if a user data holding device, the program performing processing based on that data as further supported in the specification on page 10 at lines 8-19. Clearly, this allows a transaction using an IC card to take place in real time. In contrast, the combination of Claus and Walker merely provide for a secure money transfer that can later be verified.

Based on at least these reasons, Applicant believes that the Patent Office has failed to meet its *prima facie* burden. Again, Claus teaches against the claimed invention and, further, Claus and Walker teach against their combinability as discussed above. Clearly, this suggests that the Patent Office has improperly relied on hindsight reasoning in support of the obviousness rejections. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 25 and 26 be withdrawn.

Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Claus in view of Nerlikar. Applicant believes that this rejection is improper and further the combination of

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Claus and Nerkilar is improper and distinguishable from the claimed invention as defined by claim 27.

Applicant respectfully submits that the patentability of claim 25 above renders moot the obviousness rejection of claim 27. Moreover, Applicant questions the combinability of the cited art in the first place.

Based on at least these reasons, alone or in combination, Claus and/or Nerkilar fail to disclose or suggest the claimed invention and thus fail to render the claimed invention obvious.

Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claim 27 be withdrawn.

Claim 28 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Claus in view of Davis. Applicant believes that this rejection is improper and further the combination of Claus and Davis is improper and distinguishable from the claimed invention as defined by claim 28. Like claim 27, claim 28 depends from claim 25 and thus should be rendered patentable for at least for substantially the same reasons as discussed above.

Based on at least these reasons, alone or in combination, Claus and/or Davis fail to disclose or suggest the claimed invention and thus fail to render the claimed invention obvious.
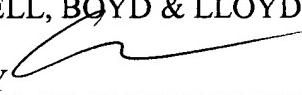
Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claim 28 be withdrawn.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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